

**U.S. District Court  
Southern District of Ohio (Dayton)  
CIVIL DOCKET FOR CASE #: 3:16-cv-00021-TMR-SLO**

DeWitt v. Commissioner of the Internal Revenue Service  
Assigned to: Judge Thomas M. Rose  
Referred to: Magistrate Judge Sharon L. Ovington  
Cause: 05:552 Right to Privacy Act

Date Filed: 01/13/2016  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: Federal Question

**Plaintiff**

**Keith W DeWitt, Sr**

represented by **Keith W DeWitt, Sr**  
42918-061  
EDGEFIELD  
FEDERAL CORRECTIONAL  
INSTITUTION  
Inmate Mail/Parcels  
P.O. BOX 725  
EDGEFIELD, SC 29824  
PRO SE

V.

**Defendant**

**Commissioner of the Internal Revenue Service**

represented by **Joseph E. Hunsader**  
U.S. Department of Justice  
Tax Division, Civil Trial Section  
Ben Franklin Station  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
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01/13/2016	<u>1</u>	COMPLAINT against Commissioner of the Internal Revenue Service, filed by Keith W DeWitt, Sr. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Civil Cover Sheet) (pb) (Entered: 01/13/2016)
01/29/2016	<u>2</u>	MOTION for Leave to Proceed in forma pauperis by Plaintiff Keith W DeWitt, Sr. Responses due by 2/22/2016 (Attachments: # <u>1</u> Correspondence, # <u>2</u> Correspondence – Plaintiff titled document as Bond) (srb) (Entered: 01/29/2016)
02/02/2016	<u>3</u>	ORDER granting <u>2</u> Motion for Leave to Proceed in forma pauperis and Ordering the Collection of the Full Filing Fee. Signed by Magistrate Judge Sharon L. Ovington on 2/2/16. (pb)(This document has been sent by regular mail to the party(ies) listed in the NEF that did not receive electronic notification.) (Entered: 02/02/2016)
02/11/2016	<u>4</u>	MOTION – Writ of Attachment by Plaintiff Keith W DeWitt, Sr. Responses due by 3/7/2016 (ead) (Entered: 02/11/2016)
02/26/2016	<u>5</u>	REPORT AND RECOMMENDATIONS: 1) Complaint filed by Plaintiff Keith DeWitt, Sr. be DISMISSED without prejudice; 2) Plaintiff's Motion for Writ of Attachment <u>4</u> be DENIED as moot; 3) The Court certify that Plaintiff's appeal, if any, would not be taken in good faith; and, 4) The case be terminated on the docket of this Court. Objections to R&R due by 3/14/2016. Signed by Chief Magistrate Judge Sharon L. Ovington on 2/26/16. (mcm)(This document has been sent by regular mail to the party(ies) listed in the NEF that did not receive electronic notification.) (Entered: 02/26/2016)
03/14/2016	<u>6</u>	OBJECTION to <u>5</u> Report and Recommendations by Plaintiff Keith W DeWitt, Sr. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B) (pb) (Entered: 03/14/2016)
05/26/2016	<u>7</u>	DECISION AND ENTRY SUSTAINING OBJECTIONS <u>6</u> TO REPORT AND RECOMMENDATIONS OF UNITED STATES MAGISTRATE JUDGE (DOC. <u>5</u> ), DENYING REPORT AND RECOMMENDATIONS AND REFERRING THE MATTER TO THE MAGISTRATE JUDGE FOR FURTHER ACTION. Signed by Judge Thomas M. Rose on 5–26–2016. (de)(This document has been sent by regular mail to the party(ies) listed in the NEF that did not receive electronic notification.) Modified on 5/27/2016 (pb). (Entered: 05/26/2016)
06/01/2016	<u>8</u>	ORDER – IT IS THEREFORE ORDERED THAT: 1. The Clerk of Court is directed to mail summons forms to Plaintiff at his address of record. Plaintiff shall complete the summons forms and return them to the Clerk of Court. The United States Marshall shall thereafter effect service of summons and complaint. All costs of service shall be advanced by the United States. 2. Plaintiff must serve Defendant or its attorney in the event the attorneys appearance is entered in the record with a copy of every document submitted for consideration by the Court. Plaintiff shall include with the original paper to be filed with the Clerk of Court a certificate stating the date and a true and correct copy of any document mailed to defendant or its attorney. Any paper received by a District Judge or Magistrate Judge that has not been filed with the Clerk of Court or that fails to include a certificate of service will be disregarded by the Court. 3. Plaintiff must inform the Clerk of Court promptly of any changes of address he has during the pendency of this lawsuit. Failure to do so may result in dismissal of this case for failure to prosecute. Signed by Magistrate Judge Sharon L. Ovington on 6/1/16. (pb)(This document has been sent by regular mail to the party(ies) listed in the NEF that did not receive electronic notification.) (Entered: 06/01/2016)
08/02/2016	<u>9</u>	ORDER TO SHOW CAUSE Show Cause Response due by 9/2/2016. Signed by Chief Magistrate Judge Sharon L. Ovington on 8/2/16. (kma)(This document has been sent by regular mail to the party(ies) listed in the NEF that did not receive electronic notification.) (Entered: 08/02/2016)
08/15/2016		NOTATION ORDER denying <u>4</u> Plaintiff's Motion for Writ of Attachment is DENIED without prejudice to renewal upon effective service of summons and complaint. The Clerk of Court is directed to mail the remaining forms Plaintiff needs to effect service. Plaintiff shall complete and return the forms to the Clerk of Court. Signed by Chief Magistrate Judge Sharon L. Ovington on 8–15–16. (mcm)(This document has been sent by regular mail to the party(ies) listed in the NEF that did not receive electronic notification.) (Entered: 08/15/2016)

08/22/2016	<u>11</u>	Summons Issued as to Commissioner of the Internal Revenue Service, U.S. Attorney and U.S. Attorney General (pb) (Entered: 08/22/2016)
11/01/2016	<u>12</u>	SUMMONS Returned Executed as to Defendant Commissioner of the Internal Revenue Service. Commissioner of the Internal Revenue Service served on 10/18/2016, answer due 12/19/2016. (kma) (Entered: 11/01/2016)
11/03/2016	<u>13</u>	NOTICE of Appearance by Nicholas John Pantel for Defendant Commissioner of the Internal Revenue Service (Pantel, Nicholas) (Entered: 11/03/2016)
11/15/2016	<u>14</u>	MOTION for Extension of Time to File Response/Reply as to <u>1</u> Complaint New date requested 1/17/2017. by Defendant Commissioner of the Internal Revenue Service. Responses due by 12/9/2016 (Pantel, Nicholas) (Entered: 11/15/2016)
11/16/2016		NOTATION ORDER: Granting <u>14</u> Defendant's Motion for Extension of Time to File Response to Plaintiff's Complaint. Defendant's Response to Plaintiff's Complaint due <b>1/17/2017</b> . Signed by Chief Magistrate Judge Sharon L. Ovington on 11/16/2016. (lek) (This document has been sent by regular mail to the party(ies) listed in the NEF that did not receive electronic notification.) (Entered: 11/16/2016)
01/17/2017	<u>15</u>	ANSWER to <u>1</u> Complaint filed by Commissioner of the Internal Revenue Service. (Hunsader, Joseph) (Entered: 01/17/2017)
02/07/2017	<u>16</u>	Response to re <u>15</u> Answer by Plaintiff Keith W DeWitt, Sr. (Attachments: # <u>1</u> Attachment 1, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4, # <u>6</u> Exhibit 5, # <u>7</u> Exhibit 6, # <u>8</u> Exhibit 7, # <u>9</u> Exhibit 8) (kma) (Entered: 02/07/2017)
04/17/2017	<u>17</u>	Petition for Summary Judgment by Plaintiff Keith W DeWitt, Sr. (jmb) (Entered: 04/17/2017)
06/12/2017	<u>18</u>	REPORT AND RECOMMENDATIONS: <u>17</u> Plaintiff's Petition for Summary Judgment be DENIED. Objections to R&R due by 6/26/2017. Signed by Magistrate Judge Sharon L. Ovington on 6-12-17. (mcm)(This document has been sent by regular mail to the party(ies) listed in the NEF that did not receive electronic notification.) (Entered: 06/12/2017)
06/27/2017	<u>19</u>	ORDER ADOPTING REPORT AND RECOMMENDATIONS <u>18</u> . Plaintiff's pro se Petition for Summary Judgment <u>17</u> is DENIED. Signed by Judge Thomas M. Rose on 6-27-2017. (de)(This document has been sent by regular mail to the party(ies) listed in the NEF that did not receive electronic notification.) (Entered: 06/27/2017)
07/11/2017	<u>20</u>	PRELIMINARY PRETRIAL CONFERENCE ORDER: In accordance with mandates of Fed. R. Civ. P. 26(f), the parties must meet and confer in order to file their 26(f) Report by August 11, 2017. Pretrial procedures and forms can be found on the Courts website at www.ohsd.uscourts.gov. The Court will thereafter, pursuant to Rule 16(b), enter a Calendar Order or will set and hold a Scheduling Conference after which a Calendar Order will issue. Signed by Magistrate Judge Sharon L. Ovington on 7/11/2017. (srb)(This document has been sent by regular mail to the party(ies) listed in the NEF that did not receive electronic notification.) (Entered: 07/11/2017)
11/20/2018	<u>21</u>	ORDER TO SHOW CAUSE Show Cause Response due by 12/14/2018.. Signed by Magistrate Judge Sharon L. Ovington on 11/20/2018. (srb)(This document has been sent by regular mail to the party(ies) listed in the NEF that did not receive electronic notification.) (Entered: 11/20/2018)
11/21/2018	<u>22</u>	NOTICE of Appearance by Sean Paul O'Donnell for Defendant Commissioner of the Internal Revenue Service (O'Donnell, Sean) (Entered: 11/21/2018)
12/06/2018	<u>23</u>	RESPONSE TO ORDER TO SHOW CAUSE by Plaintiff Keith W DeWitt, Sr. (pb) (Entered: 12/06/2018)
12/10/2018	<u>24</u>	ORDER – Defendant's counsel is hereby ORDERED to file, by December 27, 2018, a Status Report identifying the remaining issues in this case and indicating the status of any settlement negotiations in which the parties have engaged. Status Report due by 12/27/2018.. Signed by Magistrate Judge Sharon L. Ovington on 12-10-18. (mcm)(This document has been sent by regular mail to the party(ies) listed in the NEF that did not receive electronic notification.) (Entered: 12/10/2018)

12/14/2018	<u>25</u>	Letter from Keith W. DeWitt, Sr. (Attachments: # <u>1</u> Mailing Envelope) (kma) (Entered: 12/14/2018)
12/21/2018	<u>26</u>	STATUS REPORT by Defendant Commissioner of the Internal Revenue Service. (O'Donnell, Sean) (Entered: 12/21/2018)
01/25/2019		NOTATION ORDER: This case has been suspended, postponed and held in abeyance as of December 26, 2018 and remains in effect until further Order of the Court. See General Order 18-02, Second Amended; <a href="https://www.ohsd.uscourts.gov">https://www.ohsd.uscourts.gov</a> (search: General Order 18-02). Accordingly, this case is STAYED on the Courts docket pending further action by the undersigned. IT IS SO ORDERED. Signed by Magistrate Judge Sharon L. Ovington on 1/25/2019. (jmb)(This document has been sent by regular mail to the party(ies) listed in the NEF that did not receive electronic notification.) (Entered: 01/25/2019)
04/11/2019	<u>27</u>	ORDER – Upon review of the Commissioners Status Report (Doc. # <u>21</u> ), and the record as a whole, it is hereby ORDERED that: 1. The Notation Order previously staying this case is VACATED, and the Clerk of Court is directed to reopen this case on the Courts docket. 2. Dispositive motionsincluding motions for summary judgmentsmust be filed by May 17, 2019. 3. Additional case–management dates, if necessary, will be set upon the resolution of dispositive motions. (Dispositive motions due by 5/17/2019.). Signed by Magistrate Judge Sharon L. Ovington on 4/11/2019. (srb)(This document has been sent by regular mail to the party(ies) listed in the NEF that did not receive electronic notification.) (Entered: 04/11/2019)
06/05/2019	<u>28</u>	MOTION to Dismiss for Lack of Jurisdiction , <i>or Alternatively for Summary Judgment</i> by Defendant Commissioner of the Internal Revenue Service. (Attachments: # <u>1</u> Memorandum in Support of Motion to Dismiss, or Alternatively for Summary Judgment, # <u>2</u> Text of Proposed Order, # <u>3</u> Declaration of Deborah Lambert–Dean, # <u>4</u> Exhibit A, Executed IRS Form 8821) (O'Donnell, Sean) (Entered: 06/05/2019)
06/06/2019	<u>29</u>	NOTICE TO PRO SE PLAINTIFF OF MOTION TO DISMISS AND ALTERNATIVE MOTION FOR SUMMARY JUDGMENT – RE: <u>28</u> . (Responses due by 7/1/2019). Signed by Magistrate Judge Sharon L. Ovington on 6/6/2019. (srb)(This document has been sent by regular mail to the party(ies) listed in the NEF that did not receive electronic notification.) (Entered: 06/06/2019)
06/17/2019	<u>30</u>	Mail Returned as Undeliverable re <u>29</u> . Mail sent to Keith W Dewitt Sr. (kma) (Entered: 06/17/2019)
07/12/2019	<u>31</u>	ORDER TO SHOW CAUSE: Plaintiff is ORDERED TO SHOW CAUSE, in writing on or before July 31, 2019, why the Court should not dismiss this case due to his lack of prosecution. Signed by Magistrate Judge Sharon L. Ovington on 6-12-19. (mcm)(This document has been sent by regular mail to the party(ies) listed in the NEF that did not receive electronic notification.) (Entered: 07/12/2019)
09/20/2019	<u>32</u>	RESPONSE TO ORDER TO SHOW CAUSE by Plaintiff Keith W DeWitt, Sr. (pb) (Entered: 09/20/2019)